

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SHAWN DRUMGOLD,)	
Plaintiff)	
)	
v.)	
)	04-CV-11193-NG
TIMOTHY CALLAHAN, FRANCIS)	
M. ROACHE, RICHARD WALSH and)	
THE CITY OF BOSTON,)	
Defendants)	
_____)	

DEFENDANTS' FRANCIS M. ROACHE AND THE CITY OF BOSTON
MOTION IN LIMINE TO EXCLUDE THE DIARY OF JOHN DALEY

Defendants the City of Boston and Francis M. Roache move the Court to preclude *in limine* from the evidence in the trial against them the diary of John Daley. This motion seeks the exclusion of the document itself, as well as any portion thereof being read into evidence.

As grounds therefore, the Defendants state that the diary contains statements which are hearsay and contain multiple levels of hearsay, to which no exception applies. Further, many of the statements are not relevant to the presentation of the Plaintiff's case and should be excluded. Other statements are, while potentially relevant, are substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading to the jury.

Further support for this Motion is provided in the accompanying Memorandum of Law.

Respectfully submitted,
By Defendants City of Boston and
Francis M. Roache
Through their attorneys,

/s/ John P. Roache
John P. Roache (BBO# 421680)
Patrick J. Donnelly (BBO# 651113)
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Date: January 28, 2008

CERTIFICATE OF SERVICE

I, John P. Roache, hereby certify that on January 28, 2008, I served a copy of the above upon counsel of record by filing with the ECF/Pacer Case Management System.

/s/ John P. Roache
John P. Roache